

### REMARKS

The outstanding non-final Office Action mailed January 24, 2005 (Part of Paper No. 20050113) has been carefully considered. In response thereto, please enter the following amendments in which claims 1, 12, 22, 24, 25, 28 and 35 are amended and claims 16-18, and 36-44 are withdrawn. Claims 1-15, 19-35 and 45 are now pending in the present application. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

#### Indication of Allowable Subject Matter

Applicant first wishes to express his sincere appreciation for the Examiner's indication of allowable subject matter in which claim 28 would be allowable if re-written to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

Applicant respectfully submits that claim 28 is amended to include all of the limitations of the base claim and any intervening claims in order to place it in a condition for allowance.

#### Elections/Restrictions

Applicant also wishes to express his sincere appreciation for the Examiner's withdrawal of the restriction requirement between Groups I and III.

#### Drawings

Regarding the Office Action objection to the drawings, Applicant respectfully submits that the drawing informality will be corrected at a later date and appreciates the Examiner's willingness to continue with examination using the informal drawings.

#### Claim Objection

Regarding the objection to claim 35, Applicant respectfully submits that the amendment to claim 35 corrects the cited informality and the objection should be withdrawn.

#### Claim Rejections 35 U.S.C. §112 - Second Paragraph

Claims 10, 12, 25-28 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that claims 10, 25-28, and 45 “include limitations regarding x and z axes but it is unclear to exactly where these axes are in relation to the claimed device.” Applicant respectfully submits that the amendments to claims 1, 24, and 25 overcome the clarity issues cited in this rejection.

Regarding the rejection of claim 10 under 35 U.S.C. §112, second paragraph, the Office Action states that claim 10 recites the limitation “the x-translation speed” in line 2 and that there is insufficient antecedent basis for this limitation in the claim.

Applicant respectfully submits that the amendment to claim 1, on which claim 10 depends, overcomes the 35 U.S.C. §112, second paragraph rejection of claim 10. For at least this reason, Applicant respectfully requests that the rejection of claim 10 under 35 U.S.C. §112, second paragraph be withdrawn.

Regarding the rejection of claim 12 under 35 U.S.C. §112, second paragraph, the Office Action states that the claim limitation “the perch bar declines under the shackle” in line 3 has an insufficient antecedent basis for this limitation. Applicant respectfully submits that claim 12, as amended, overcomes any indefiniteness issues, cited or otherwise.

#### Amended Claim 12

12. (Currently Amended) The device of claim 11, further comprising a shackle movably affixed to the perch bars, the shackle having a pair of grippers for gripping extended legs of the live object, and wherein when the perch bar declines under the shackle, the set of compliant fingers of the pair of counter rotating supporting structures constrains the live object therein.

Additionally, the “perch bar” element cited by the Office Action finds antecedent basis in claim 11, upon which claim 12 depends, at line 3 in the language “a pallet assembly having **a perch bar**”. (*Emphasis added.*) The “shackle” element cited by the

Office Action finds antecedent basis in line 1 of the present claim in the language “comprising **a shackle** movably affixed”. (*Emphasis added.*) For at least these reasons, Applicant respectfully requests that the rejection of claim 12 under 35 U.S.C. §112, second paragraph be withdrawn.

Regarding the rejection of claim 25 under 35 U.S.C. §112, second paragraph, the Office Action states that the claim limitation “the x-translational direction” in line 2 has an insufficient antecedent basis for this limitation.

Applicant respectfully submits that the combination of the amendment to claim 22, on which claim 25 depends, and amendment to claim 25 overcome the 35 U.S.C. §112, second paragraph rejection of claim 25. For at least this reason, Applicant respectfully requests that the rejection of claim 25 under 35 U.S.C. §112, second paragraph be withdrawn.

Applicant wishes to clarify that the foregoing amendments have been made for the purpose of better defining the invention in response to the rejections made under 35 U.S.C. §112. Applicant submits that no substantive limitations have been added to the claims based on prior art. Therefore, no prosecution history estoppel arises from these amendments.

#### Claim Rejections 35 U.S.C. §102(b) – U.S. Patent No. 5,259,811

Claims 1, 3-10 and 15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Berry (U.S. Patent No. 5,259,811). Applicant respectfully traverses this rejection on the grounds that the ‘811 reference does not disclose, teach, or suggest all of the claimed elements.

##### Claim 1

In rejecting claim 1, the Office Action states:

Referring to claim 1, Berry discloses a device for grasping and supporting a live object, the device comprising, a pair of counter rotating supporting structures – at 12-14, each supporting structure **including an upper portion and a lower portion** – see for example figures 2-4, and wherein the upper portion and the lower portion each include a plurality of apertures disposed therein – see in item 27 in figures 3-4, a compliant

finger – at 28, disposed within each of the plurality of apertures – see for example figures 2-4, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein ***the compliant fingers are further configured to support and constrain*** a body of the live object – see for example figures 5a-5d, and a speed ***control module for controlling the speed*** and timing of the rotation of the supporting structures – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21.

(*Emphasis added.*)

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See e.g., In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990). Applicant respectfully submits that claim 1, as amended, is allowable over ‘811 for at least the reason that the ‘811 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 1, as amended, recites:

1. A device for grasping and supporting a live object, the device comprising:
  - a pair of counter rotating supporting structures, configured to compel the live object in an x-translational direction at an x-translational speed, each supporting structure including ***an upper portion and a lower portion***, and wherein the upper portion includes a plurality of ***apertures having a first configuration*** and the lower portion includes a plurality of ***apertures having a second configuration***;
  - a compliant finger disposed within each of the plurality of apertures, the pair of counter rotating supporting structures are further configured to provide an opening for receiving the live object and wherein the compliant fingers are further ***configured to support*** and constrain a body of the live object; and
  - a speed control module for controlling the speed*** and timing of the rotation of the supporting structures.

(*Emphasis added.*)

Applicant respectfully submits that the Office Action incorrectly construes the '811 reference as teaching all of the limitations recited in claim 1, as amended. For example, the Office Action asserts that the '811 teaches each supporting structure including an upper portion and a lower portion. In contrast with the upper portion and lower portion recited in claim 1, the '811 reference does not disclose, teach or suggest any distinction or delineation between the upper and lower sections of the rotors 12, 14. Further, claim 1, as amended, is further distinguished from the '811 reference in that the '811 reference fails to disclose, teach, or suggest "the upper portion includes a plurality of apertures having a first configuration and the lower portion includes a plurality of apertures having a second configuration", as recited in Applicant's claim 1, as amended.

Additionally, the Office Action states that the '811 reference discloses "wherein the compliant fingers are further configured to support and constrain a body of the live object – see for example figures 5a-5d". Applicant respectfully submits that the Office Action incorrectly construes the structures disclosed in figures 5a-5d as "configured to support and constrain a body of the live object". The '811 reference appears to teach rotors 12, 14 having guide elements that mesh to form discrete compartments through which birds can be conveyed. (See col. 1, lines 38-40.) Although the guide elements of the '811 reference appear to constrain the birds in the sense that access beyond the compartments defined is unavailable, the structure fails to disclose, teach, or suggest a configuration "to support...a body of a live object" as recited in Applicant's claim 1, as amended.

Further, the Office Action states that the '811 reference discloses "a speed control module for controlling the speed and timing of the rotation of the supporting structures – see for example column 3 lines 29-68, column 4 lines 1-40 and lines 58-68, column 5 lines 1-68 and column 6 lines 1-21." Applicant respectfully submits that none of the cited sections in the '811 reference disclose, teach, or suggest "a speed control module for controlling the speed ...of the rotation of the supporting structures". The '811 reference appears to teach using reversible rotors but does not disclose, teach, or suggest

“controlling the speed...of the rotation of the supporting structures” as recited in Applicant’s claim 1, as amended.

For at least the above reasons, Applicant respectfully submits that the rejection of claim 1, as amended, under 35 U.S.C. §102(b) in view of the ‘811 reference is improper and should be withdrawn. Accordingly, Applicant respectfully submits that claim 1, as amended, is allowable over the ‘811 reference.

#### Claims 3-10 and 15

Dependent claims 3-10 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by the ‘811 reference. Dependent claims 3-10 and 15 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim Rejections 35 U.S.C. §102(b) – U.S. Patent No. 5,514,033

Claims 1, 10-11 and 13-14 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Berry (U.S. Patent No. 5,514,033). Applicant respectfully traverses this rejection on the grounds that the ‘033 reference does not disclose, teach, or suggest all of the claimed elements.

#### Claim 1

The Office Action states that the ‘033 reference discloses “supporting structures – at 306, 307, each supporting structure including an upper portion and a lower portion – see for example 13 of Berry ‘811 incorporated by reference”. The Office Action relies on the ‘811 reference incorporated by reference as disclosing this limitation therefore the foregoing discussion regarding this limitation related to the ‘811 reference applies to this rejection.

The Office Action also states that the ‘033 reference discloses “a speed control module for controlling the speed and timing of the rotation of the supporting structures – see for example columns 6-7.” Respectfully, the ‘033 reference makes no reference to a speed control module or to controlling the speed of any supporting structures. Additionally, column 6 of the ‘033 reference lists claims 10-14 and column 7 does not

exist. The '033 reference appears to teach using a pair of converging conveyors but does not disclose, teach, or suggest "controlling the speed...of the rotation of the supporting structures" as recited in Applicant's claim 1, as amended.

Further, the discussion regarding the "configured to support and constrain a body of the live object" limitation, the '033 reference does not disclose, teach, or suggest anything related to the rotary supporting structures that is distinguishable from the '811 reference. For example, the compliant fingers on the rotors of the '033 reference do not appear to be configured to support the live object. Additionally, it appears that the only grasping action is performed by foam rubber conveyor surfaces. Further, Applicant's foregoing discussion regarding this limitation as related to the '811 reference is applicable.

For at least the above reasons, Applicant respectfully asserts that the rejection of claim 1, as amended, under 35 U.S.C. §102(b) in view of the '033 reference is improper and should be withdrawn. Accordingly, Applicant respectfully submits that claim 1, as amended, is allowable over the '033 reference.

#### Claims 10-11 and 13-14

Dependent claims 10-11 and 13-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by the '033 reference. Dependent claims 10-11 and 13-14 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim Rejections 35 U.S.C. §102(b) – U.S. Patent No. 4,658,476

Claims 19-20, 22-27, 29, 33-35 and 45 are rejected under 35 U.S.C. §102(b) as being anticipated by van den Brink (U.S. Patent No. 4,658,476). Applicant respectfully traverses this rejection on the grounds that the '476 reference does not disclose, teach, or suggest all of the claimed elements.

#### Claim 19

In rejecting claim 19, the Office Action states:

Referring to claim 19, van den Brink discloses a device for receiving an isolated live object the device comprising, a rigid

member – at 30-57, having a first end, a second end and a middle section – see for example figures 4-10, the middle section being disposed between the first end and the second end – see figures 4-10, and *perch bars* at 44-48, *flexibly affixed* (items 47 and 48) to the middle section of the rigid member – see for example figures 4-5.

*(Emphasis added.)*

Applicant respectfully submits that claim 19 is allowable over the ‘476 reference for at least the reason that the ‘476 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 19 recites:

19. A device for receiving an isolated live object, the device comprising:  
a rigid member having a first end, a second end, and a middle section, the middle section being disposed between the first end and the second end; and  
perch bars *flexibly affixed to the middle section* of the rigid member.

*(Emphasis added.)*

Applicant respectfully submits that the Office Action incorrectly construes the ‘476 reference as teaching “perch bars flexibly affixed to the middle section of the rigid member” of claim 19. The ‘476 reference appears to teach a turntable 38 bearing leg clamps 39, 40, which consist of inverted L-shaped pieces 44, 45 and a central part 46. The leg clamps 39, 40 further include horizontally adjustable pins 47, 48 capable of being in an open position (FIG. 4) or a closed position (FIG. 5). Since the Office Action is unclear as to which structure in the ‘476 reference is being cited as Applicant’s perch bars, with the goal of advancing prosecution, Applicant respectfully will address two plausible alternative interpretations of the rejection. In one interpretation, where the Office Action refers to the horizontally adjustable pins 47, 48, Applicant respectfully submits that the horizontally adjustable pins 47, 48 are not “flexibly attached”, as recited in claim 19. In the alternative, if the Office Action refers to the L-shaped pieces 44, 45, Applicant respectfully submits that the L-shaped pieces 44, 45 are not *flexibly affixed to the middle section* of the rigid member.



Generally, in contrast with using perch bars in any configuration, the '476 reference appears to require the bird to stand on the flat surface of the turn-table 38 specifically in the areas 39, 40 for the locking pins 47, 48 to function. Thus, if the bird were to "perch" on the L-shaped pieces 44, 45, 46 or the locking pins 47, 48, the device disclosed in the '476 reference would fail to function properly.

For at least the above reasons, Applicant respectfully asserts that the rejection of claim 19 under 35 U.S.C. §102(b) in view of the '476 reference is improper and should be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 19 is allowable.

#### Claim 20

Dependent claim 20 stands rejected under 35 U.S.C. §102(b) as being anticipated by the '476 reference. Dependent claim 20 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 19. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim 22

In rejecting claim 22, the Office Action states:

Referring to claims 22 and 33, van den Brink discloses a system comprising, a pallet assembly – at 30-48, having a ***perch bar supporting structure – at 38***, the perch bar supporting structure ***including perch bars – at 44,45, a shackle assembly – at 59, movably affixed to the pallet assembly*** – see for example figure 11, the shackle assembly ***comprising a pair of compliant grippers – at 62,63***, a trap bar assembly – at 47,48, the trap bar assembly affixed to the pallet assembly – see for example figures 4-5, ***a shackle control mechanism – at 3-5, 52-57 and 61, affixed to the shackle assembly***, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly – see for example figures 10-11, and a trolley affixed to the pallet assembly – see for example at the upper end of 54 in figures 10-11.

*(Emphasis added.)*

Applicant respectfully submits that claim 22, as amended, is allowable over the '476 reference for at least the reason that the '476 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 22, as amended, recites:

22. A system comprising:  
a *pallet assembly having a perch bar supporting structure*, the perch bar supporting structure *including perch bars*;  
a *shackle assembly movably affixed to the pallet assembly*, the shackle assembly *comprising a pair of compliant grippers*;  
a trap bar assembly, the trap bar assembly rotatably affixed to the pallet assembly;  
a *shackle control mechanism affixed to the shackle assembly*, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly; and  
a trolley, configured to move in an x-translational direction, affixed to the pallet assembly.

(*Emphasis added.*)

Applicant respectfully submits that the Office Action incorrectly construes the ‘476 reference as teaching “a pallet assembly having a perch bar supporting structure, the perch bar supporting structure including perch bars” of claim 22. The Office Action cites these features as disclosed at 30-48, 38 and 44, 45, respectively. Applicant respectfully submits that, in contrast with Applicant’s perch bars, the ‘476 reference appears to disclose inverted L-shaped pieces that are components of leg clamps 39, 40. (Col. 6, lines 5-7.) Additionally, the turntable 38 of the ‘476 reference cannot validly be construed as both, Applicant’s pallet assembly and as Applicant’s perch bar supporting structure. For at least this reason, Applicant submits that the rejection of claim 22 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

Additionally, Applicant respectfully submits that the Office Action incorrectly construes the ‘476 reference as teaching “a shackle assembly movably affixed to the pallet assembly” at 59 of the ‘476 reference. Applicant respectfully submits that, in contrast with Applicant’s shackle assembly movably affixed to the pallet assembly, the ‘476 reference appears to disclose another separate conveyor device 5 with slaughter hooks 59. (Col. 6, lines 60-62.) Not only is the element cited by the Office Action not a shackle assembly, but it is also not movably affixed to any element which could validly be construed as a pallet assembly. For at least this reason, Applicant submits that the

rejection of claim 22 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

Further, Applicant respectfully submits that the Office Action incorrectly construes the '476 reference as teaching "the shackle assembly comprising a pair of compliant grippers" at 62 and 63 of the '476 reference. Applicant respectfully submits that, in contrast with Applicant's the shackle assembly comprising a pair of compliant grippers, the '476 reference appears to disclose a pair of formed features in the slaughter hook 59 referred to as suspension loops. (Col. 6, lines 60-62.) Not only are the suspension loops not grippers, but they appear to be disclosed as rigid members, thus lacking the requisite "compliant" property of Applicant's claim 22. For at least this reason, Applicant submits that the rejection of claim 22 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

Even further, Applicant respectfully submits that the Office Action incorrectly construes the '476 reference as teaching "a shackle control mechanism affixed to the shackle assembly, the shackle control mechanism configured to lock and release the shackle assembly from the pallet assembly" at 3-5, 52-57 and 61 and figures 10-11 of the '476 reference. Applicant respectfully submits that, in contrast with Applicant's "shackle control mechanism affixed to the shackle assembly...configured to lock and release the shackle assembly from the pallet assembly", the '476 reference appears to disclose a frame 52 having clamps 55, 56, 57 configured to receive a chicken from a turntable 38. The neck clamp 55 appears to be mounted to the frame 52 through a telescopic T-piece 61. (Col. 7, lines 4-14). In addition to not disclosing a shackle control mechanism, the cited structures in the '476 reference are also unrelated to and do not disclose any features configured to lock and release the shackle assembly from the pallet assembly. For at least this reason, Applicant submits that the rejection of claim 22 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

For at least the above reasons, Applicant respectfully asserts that the rejection of claim 22 under 35 U.S.C. §102(b) in view of the '476 reference is improper and should

be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 22 is allowable.

#### Claims 21-27 and 29

Dependent claims 21-27 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by the '476 reference. Dependent claims 21-27 and 29 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim 33

In rejecting claim 33, the Office Action relies on the same arguments and references as applied to claim 22. For this reason, Applicant respectfully submits that the foregoing comments made relative to claim 22 are also applicable to claim 33.

For at least these reasons, Applicant respectfully asserts that the rejection of claim 33 under 35 U.S.C. §102(b) in view of the '476 reference is improper and should be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 33 is allowable.

#### Claims 34 and 35

Dependent claims 34 and 35 stand rejected under 35 U.S.C. §102(b) as being anticipated by the '476 reference. Dependent claims 34 and 35 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 33. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim 45

In rejecting claim 45, the Office Action states:

Referring to claim 45, van den Brink discloses a feet gripping system comprising, *a perch bar – at 44,45*, having a z-direction compliance, the z-direction being a direction along a superior-inferior axis of a live object – see for example figures 4-5, the perch bar being configured to support a live object – see for example figures 4-5, grippers – at 47,48, having a y-direction compliance, the y-direction being a direction along a lateral axis of the live object, *the grippers being configured to support the live object* – see for example figures 4-5, and a first assembly *comprising a spring* – see column 4 lines 50-67, the first assembly having an x-direction compliance, the x-direction being a direction

along an interior-posterior axis of the live object – see for example figures 1-11.

*(Emphasis added.)*

Applicant respectfully submits that claim 45 is allowable over the ‘476 reference for at least the reason that the ‘476 reference fails to disclose, teach, or suggest all of the recited claim elements. Claim 45 recites:

45. A feet-gripping system comprising:  
    **a perch bar** having a z-direction compliance, the z-direction being a direction along a superior-inferior axis of a live object, the perch bar being configured to support a live object;  
    **grippers having a y-direction compliance**, the y-direction being a direction along a lateral axis of the live object, **the grippers being configured to support a live object**; and  
    **first assembly comprising a spring**, the first assembly having an x-direction compliance, the x-direction being a direction along an anterior-posterior axis of the live object.

*(Emphasis added.)*

Applicant respectfully submits that the Office Action incorrectly construes the ‘476 reference as teaching “a perch bar having a z-direction compliance” of claim 45. The Office Action cites this feature as disclosed at 44, 45 in the ‘476 reference. Applicant respectfully submits that, in contrast with Applicant’s “perch bars having a z-direction compliance”, the ‘476 reference at 44, 45 appears to disclose inverted L-shaped pieces that are components of leg clamps 39, 40. (Col. 6, lines 5-7.) The L-shaped pieces 44, 45 disclosed in the ‘476 reference do not appear to exhibit any compliance, z-direction or otherwise. For at least this reason, Applicant submits that the rejection of claim 45 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

Additionally, Applicant respectfully submits that the Office Action incorrectly construes the ‘476 reference as teaching “the grippers being configured to support a live object” at 47, 48 of the ‘476 reference as shown in figures 4-5. Applicant respectfully submits that, in contrast with Applicant’s “grippers being configured to support a live object”, the ‘476 reference appears to disclose horizontally adjustable pins configured to

function in conjunction with the inverted L-shape pieces 44, 45 of the leg clamps, as discussed above. (Col. 6, lines 5-7.) For at least this reason, Applicant submits that the rejection of claim 45 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

Applicant also respectfully submits that the Office Action incorrectly construes the '476 reference as teaching "grippers having a y-direction compliance". Applicant respectfully submits that, unlike the rigid structures discussed in the above paragraph, the "grippers having a y-direction compliance" serve to adapt for the size variation in the cross-sectional area of the legs. For at least this reason, Applicant submits that the rejection of claim 45 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

Further, Applicant respectfully submits that the Office Action incorrectly construes the '476 reference as teaching "first assembly comprising a spring" at col. 4, lines 50-67 of the '476 reference. In contrast with the "first assembly comprising a spring" in the context of a feet gripping system, as recited in the claim preamble, the '476 reference appears to disclose a long plate 10 hingedly connected to a short plate 12, where the short plate 12 is held at an angle relative to the long plate 10 by spring devices (not illustrated. (Col. 4, lines 57-62.) Respectfully, the spring recited in the '476 reference is not present on a feet gripping system but, instead, is disclosed as a component in a feed-regulating disc 1. For at least this reason, Applicant submits that the rejection of claim 45 under 35 U.S.C. §102(b) is improper and respectfully requests that the rejection be withdrawn.

For at least the above reasons, Applicant respectfully asserts that the rejection of claim 45 under 35 U.S.C. §102(b) in view of the '476 reference is improper and should be withdrawn. Further, for at least this reason, Applicant respectfully submits that claim 45 is allowable.

#### Claim Rejections 35 U.S.C. §103(a)

In order to make a proper *prima facie* case of obviousness; three basic criteria must be met, as set forth in MPEP 706.02(j). First, there must be some suggestion or

motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine referenced teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure.

#### Claim2

Claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berry (U.S. Patent No. 5,259,811). Applicant respectfully traverses this rejection on the grounds that the '811 reference does not disclose, teach, or suggest all of the claimed elements.

The Office Action states that claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berry as applied to claim 1 above. Since, as discussed above, Applicant submits that claim 1, as amended, is allowable as discussed above and therefore dependent claim 2 is believed to be allowable for at least the reason that claim 2 depends from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim12

Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Berry (U.S. Patent No. 5,514,033) in view of van den Brink (U.S. Patent No. 4,658,476). Applicant respectfully traverses this rejection on the grounds that the combination of the '033 reference and the '476 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 1, as amended, is allowable as discussed above and therefore dependent claim 12 is believed to be allowable for at least the reason that claim 12 depends from allowable independent claim 1, as amended. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim 21

Claim 21 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van den Brink (U.S. Patent No. 4,658,476) as applied to claim 19 above, and in view

of Millard (U.S. Patent No. 6,561,555). Applicant respectfully traverses this rejection on the grounds that the combination of the '476 reference and the '555 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 19 is allowable as discussed above and therefore dependent claim 21 is believed to be allowable for at least the reason that claim 21 depends from allowable independent claim 19. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claim 30

Claim 30 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van den Brink (U.S. Patent No. 4,658,476) as applied to claim 22 above, and in view of Millard (U.S. Patent No. 6,561,555). Applicant respectfully traverses this rejection on the grounds that the combination of the '476 reference and the '555 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 22 is allowable as discussed above and therefore dependent claim 30 is believed to be allowable for at least the reason that claim 30 depends from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

#### Claims 31 and 32

Claim 31 and 32 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van den Brink (U.S. Patent No. 4,658,476) as applied to claim 22 above, and in view of Berry (U.S. Patent No. 5,514,033). Applicant respectfully traverses this rejection on the grounds that the combination of the '476 reference and the '033 reference fails to disclose, teach, or suggest all of the claimed elements.

As discussed above, Applicant submits that claim 22 is allowable as discussed above and therefore dependent claims 31 and 32 are believed to be allowable for at least the reason that claims 31 and 32 depend from allowable independent claim 22. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).



Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-15, 19-35 and 45 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



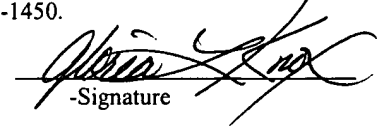
Timothy J. Wall, Reg. No. 50,743

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**

Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail for delivery with proper postage thereon to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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